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August 5, 2005

**VIA HAND DELIVERY AND E-FILE**

The Honorable M. Sleet Gregory  
U.S. District Court for the District of Delaware  
844 North King Street  
Wilmington, Delaware 19801

Re: McNeil Nutritionals v. Sugar Association, et al.  
C. A. No.: 05-69 (GMS)

Dear Judge Sleet:

I write on behalf of the Defendants in this action in response to the Court's Order denying the Stipulation to Extend Time for Defendants to file their Reply Brief in further support of their Motion to Dismiss, pending receipt of an explanation for the request. (D.I. 53)

Defendants sought an extension of one week to file their reply, to which plaintiffs consented, for several reasons. First, the Plaintiffs' answering brief was voluminous, encompassing some 36 pages, was supported by several declarations, and attached 38 exhibits. Due to the size of this answering brief, the complexity of the issues involved, and the interjection of a number of new materials, Defendants believe it is necessary to devote more than 5 business days to their reply. Second, lead counsel for Defendants is currently on a week-long holiday. Third, there are twenty defendants involved in this action and counsel needs time to coordinate the responses of these defendants so that they may present a unified reply brief that Defendants believe will aid the Court in efficiently considering this motion.

Counsel are available at the Court's convenience if Your Honor has any questions. Otherwise, we request that the stipulation be accepted by the Court as filed.

Sincerely yours,



Sarah E. DiLuzio

cc: Steven J. Balick, Esquire (via e-file and hand delivery)  
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